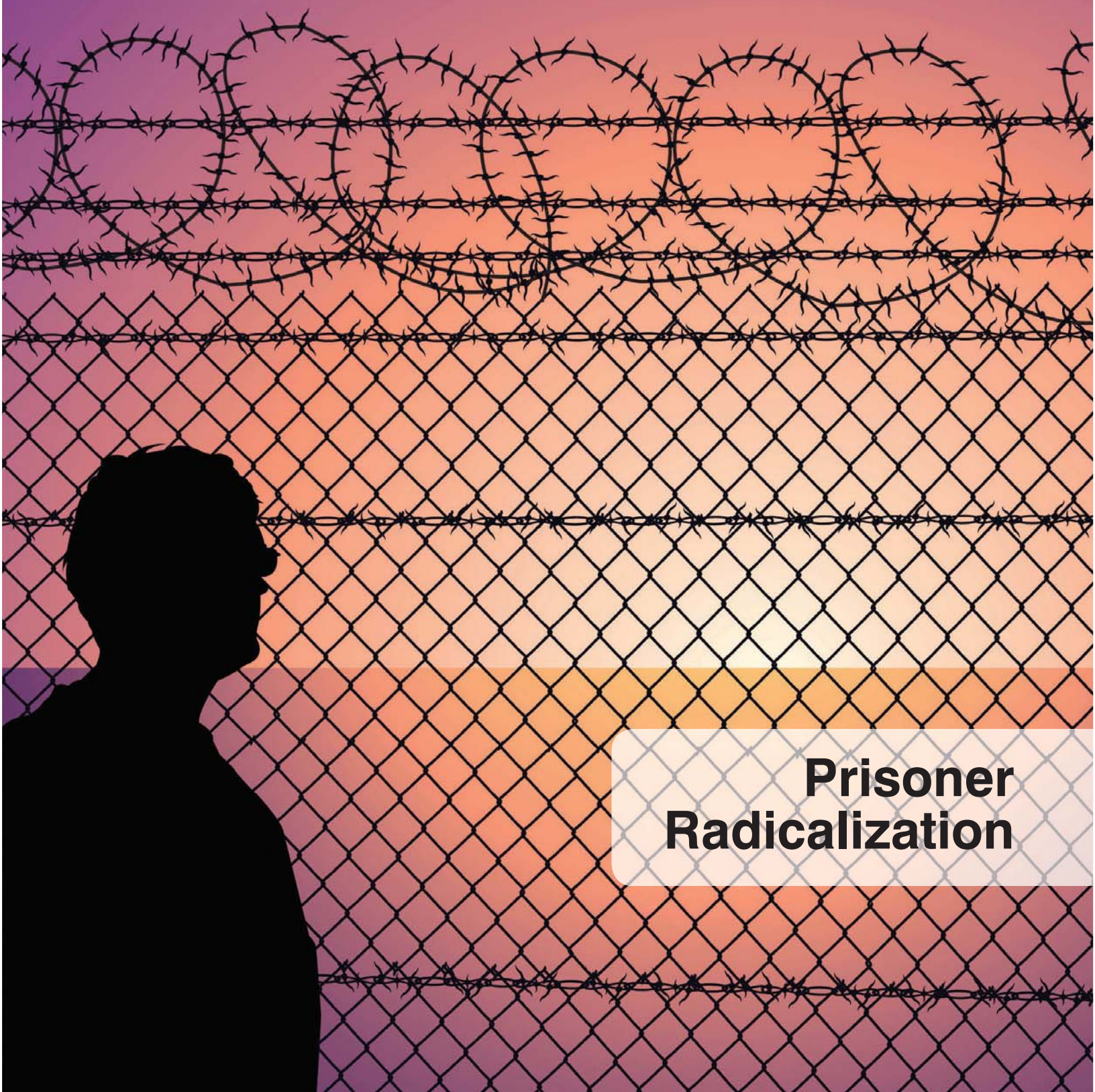


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**Prisoner
Radicalization**



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Robert S. Mueller III
Director

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FBI Law Enforcement Bulletin

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Prisoner Radicalization

By DENNIS A. BALLAS, M.A.

On July 5, 2005, police in Torrance, California, arrested Levar Haley Washington and Gregory Vernon Patterson because of their suspected involvement in a string of gas station robberies. Officers conducting a standard follow-up investigation searched Washington's apartment and found jihadist material, including an apparent target list. Both

suspects are U.S. nationals and converts to Islam. This arrest of “common criminals” quickly led to a large-scale investigation of a homegrown terrorist plot directed against targets in Southern California. Many people found it surprising that such a threat could exist in their own community. Even stranger, individuals within the confines of prison walls fermented the plot.

IMPORTANT CASE

Washington and Patterson were part of Jam’iyyat Ul-Islam Is-Saheeh (JIS), Arabic for Assembly of Authentic Islam, a radical prison organization. The JIS interpretation of Islam, sometimes known as “Prison Islam,” supports the establishment of an Islamic caliphate, or government, in the United

States and advocates the targeting of the American and Israeli governments, as well as Jews, in retaliation for their policies regarding Muslims.¹

In 2004, Kevin James, an inmate serving time for robbery convictions at the New Folsom Prison near Sacramento, California, led the JIS. He recruited fellow prisoners to join and preached the duty of members to target enemies of Islam, or “infidels,” including the U.S. government and Jewish and non-Jewish supporters of Israel. James distributed a document in prison that justified the killing of infidels and made members take an oath not to speak of the existence of JIS. He also allegedly sought to establish groups, or cells, of members outside prison to carry out violent attacks.²

James met Washington in prison in 2004 and introduced him to JIS and its beliefs. Prior to Washington’s release that same year, James provided him with “Blueprint 2005,” a document urging prospective JIS members to blend into society by marrying, getting a job, and dressing casually. The document also instructed followers to study Arabic, acquire two pistols with silencers, and learn how to make bombs.³

Washington used the document to recruit Patterson, an employee at Los Angeles International Airport (LAX), and another individual, Hamad Riaz Samana, a Pakistani citizen, at the Jamaat-E-Masjudal mosque in Inglewood, California, where they all worshiped. Both Patterson and Samana swore allegiance to Washington and pledged to serve as “mujahideen,” Muslim guerilla warriors engaged in a jihad.⁴

The men plotted to attack Jewish institutions and other targets in the Los Angeles area, including synagogues, the Israeli Consulate, LAX, and U.S. military recruiting offices and military bases, intending to kill as many people as possible.⁵ They planned to carry out their attack on a synagogue during Yom Kippur to increase the number of casualties; the plotters also considered the fourth anniversary of the September 11 terrorist attacks.⁶



Lieutenant Ballas serves with the Los Angeles, California, Police Department.

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While only a small percentage of converts turn radical beliefs into terrorist action, the James case is not an isolated event.

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EFFECTIVE RESPONSE

Identification of Terrorist Activities

The Los Angeles Police Department (LAPD) trains its officers on the tactics and methods used by contemporary terrorists. This includes the various steps that lead up to an attack, such as target acquisition, preattack surveillance, and supply procurement. The JIS investigation, conducted by more than 200 investigators from the Torrance Police Department (TPD), LAPD, FBI, and other local and federal law enforcement agencies, revealed that Washington, Patterson, and Samana, under the leadership of James, had taken part in all of these activities.

Patterson and Washington originally were connected to the gas station robberies when Patterson, who lived with Washington, dropped a cell phone at one of the crime scenes. During a search of their apartment, investigators found evidence of target acquisition in a 2-page document written by Samana titled, "Modes of Attack," which listed the addresses of each location they targeted.

Prior to their arrests, the JIS members conducted surveillance and used the Internet to research possible targets. They easily did so with commonly used Web sites that allowed

them to obtain overhead and street-level views of potential target locations.

The suspects ultimately advised investigators that they conducted the gas station robberies to raise funds to finance their terror efforts. This constituted the supply procurement stage. The FBI later determined that Patterson bought a .223-caliber rifle with the proceeds from his robberies.

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Valuable Measures

The JIS case serves as an excellent example of local law enforcement using straightforward crime-fighting efforts to thwart terrorist activities. Investigators from TPD followed the clues to locate the robbery suspects, and they had the training that allowed them to recognize that they had uncovered a terrorist cell, not just a group of common criminals.

Perhaps most important, the TPD had established relationships with its local and federal law enforcement partners. These partnerships allowed for a coordinated investigation sufficient to disrupt JIS' terror plan, identify all involved parties, and ensure an eventual successful prosecution. As stated by the special agent in charge of the FBI's Los Angeles office, "This case reminds me of the evolving terror threat we face and continues to serve as one of the finest examples of line police officers uncovering a terrorist plot and setting aside jurisdictional boundaries to work with the JTTF."⁷

Washington and Patterson pled guilty in 2007 to charges of conspiring to wage war against the United States. In 2008, they received sentences of 22 years and 12 years respectively. Washington also was sentenced to an additional 22 years in prison for unrelated robbery and weapons charges. Kevin James pled guilty in federal court to conspiring to levy war against the United States. In 2009, James was sentenced to 16 years in federal prison. Hamad Samana was sentenced to 70 months in prison in 2009 for his participation in the plot.

SERIOUS PROBLEM

The radicalization of Washington in prison is not unique.



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Kevin James himself was radicalized while incarcerated. In 1997, the then 21 year old began serving a 10-year sentence for robbery at the California State Prison in Tehachapi. Initially while in prison, James followed a traditional form of American Islam, Nation of Islam, but found those teachings uninteresting. JIS provided him a level of protection not afforded other religious followers because it is based on a model in which its members act as a prison gang. The group not only has its own hierarchy, code of conduct, and secret communication system but the members also have their own group identity. This gives them a shared purpose and has led to a form

of collective resistance against the U.S. government.⁸

While only a small percentage of converts turn radical beliefs into terrorist action, the James case is not an isolated event.⁹ Jose Padilla, a Chicago, Illinois, street gang member, is just one more example of someone who became a radical Islamist while in prison. Authorities arrested him in 2002 on suspicion of planning to explode a “dirty bomb.”¹⁰

Prisons literally provide a captive audience of disaffected young men easily influenced by charismatic extremist leaders. These inmates, mostly minorities, feel that the United States has discriminated against them or against minorities and

Muslims overseas. This perceived oppression, combined with a limited knowledge of Islam, makes this population vulnerable for extremists looking to radicalize and recruit.¹¹

The shortage of qualified religious providers in prisons heightens the threat of inmate radicalization. Prisoners with little training in Islam have asserted themselves as leaders among the prison population, at times misrepresenting the faith. Prison Islam incorporates violent inmate culture with religious practice. Currently, little standardization or accreditation exists to identify persons qualified to teach Islam or lead its services in prisons. Wardens rely on local endorsing agencies or simply leave it up to inmates to choose. Prison authorities are not ensuring that religious leaders have adequate training or if they espouse radical theology.¹²

POTENTIAL SOLUTIONS

Currently, and not surprisingly, researchers are proposing the need for more study in the area of prisoner radicalization. The magnitude of the problem remains unknown. Authorities must temper their responses with the understanding that religious conversion differs from radicalization. Many people have advocated the necessity of more effort in identifying

and recruiting qualified chaplains who could teach a more mainstream version of Islam in prisons. Even so, the JIS case demonstrates that some prisoners will find Prison Islam more attractive than a moderate or mainstream teaching of the Quran.

Other recommended solutions to the radicalization problem stem from the position that groups, such as JIS, are prison gangs and that authorities should deal with them as such. In California, gang investigators assigned to prisons have been trained to recognize and monitor the potential radicalization of inmates. Of particular concern are people, such as Washington, who can be paroled into the community after radicalization. Such individuals pose the threat of committing acts of violent jihad. In an effort to get an early warning about any such prisoner who may play the role of the martyr, California's correctional authorities forward information about prison radicalization to the state's intelligence fusion centers, where officials from all three levels of government, as well as the private sector, share information. Likewise, the Federal Bureau of Prisons and the FBI address the problem, as well, both by vetting chaplains and religious volunteers and by

closely tracking inmates with suspected terrorist ties.¹³

CONCLUSION

The problem of prisoner radicalization is a serious one. Clearly, any solution will require a multiagency and multidisciplinary response and will rely on better education, intelligence, and enforcement.

“...any solution will require a multiagency and multidisciplinary response and will rely on better education, intelligence, and enforcement.”

Seemingly, law enforcement and government in general are better positioned to respond to, if not prevent, future incidents, like the JIS case. And, certainly, a greater awareness of the threat exists. ♦

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Leadership Spotlight

Table Manners from Mom and Dad

You can tell a lot about a fellow's character by his way of eating jelly beans.

—Ronald Reagan

As a child growing up in a middle class family with two brothers and a sister, we always were coming and going in many different directions—except when it was time for dinner. It was an unspoken rule that all family members had to be at the dinner table by 5 p.m. on weekdays. While I recall a few meals that were not particularly appetizing (meatloaf with raisins—sorry Mom), the conversations always were rewarding. Eating dinner together was considered a time to unite and share the day's happenings and events. It also was a time of instruction on the proper etiquette required at the dinner table. I am reminded today of the many life teachings that my parents instilled at dinnertime in the guise of table manners.

TEN LEADERSHIP LESSONS FROM THE DINNER TABLE

Lesson

Leadership Translation

Be punctual

Honor your commitments by being on time or notifying others when you will be late.

Give thanks

It is simple, free, and powerful to show appreciation. We can inspire others by thanking them for their efforts.

Place your napkin on your lap

The professional courtesies we sometimes ignore or forget leave a lasting impression and can weaken team morale. Manners count!

Ask someone to pass you the food

Ask advice from others and let them feed your creativity.

Use little or no salt

Too much of anything is generally unhealthy; maintain a balanced worklife that keeps stress in check.

Try new foods

Expand your palate by seeking new learning opportunities that make you a well-rounded leader.

Listen to what is said at the table

Generous listening is rare. Take time to be a more active listener.

Share something about your day

Share your skills, talents, and experience with others. This is a great way to build new leaders.

Don't overeat

Avoid taking fill in yourself because of a title or position. It creates indigestion for everyone, including you.

Help clean up the dishes

Understand that it never hurts to occasionally climb back in the trench and help. Servant leadership speaks volumes.

Christopher C. Lenhard, a member of the Leadership Development Institute at the FBI Academy, prepared this Leadership Spotlight.

Energy Conservation as a Budget Multiplier

By Alan John

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As the nation's economy struggles and local tax revenues drop, the mayor and council members call you, the chief of police, in for a meeting. They advise that they cannot continue to fund the police department at the current budget levels; they want to lay off officers. What are you going to do? How are you going to respond?

By proactively taking certain steps now, law enforcement agencies can begin to decrease operating costs. The opening scenario may not occur. But, if it does, leaders can demonstrate how they have reduced their bottom line through energy conservation at fundamental budget levels,

convincing government officials that they are not only aware of the depth of the financial crisis but are actively engaging in a solution.

In today's society, although many people believe it is always noble and politically correct to go "green" and save the environment, employees may not buy into the program without motivation. They must understand the need to conserve, and organizations must regularly inform them of the progress and results of their efforts. Each area of the country is unique in its needs and uses of energy for different reasons. Police officers in the Arizona heat may want to leave their patrol cars running when

unoccupied to keep them cool. In Jackson Hole, Wyoming, officers may want their cruisers running because of the frigid temperatures. Most agencies have chargers for every electronic gadget plugged in all over the department. Officers plug in radio battery and cell phone chargers, automated external defibrillators, and jump packs for cars even when they are not using or charging them. Further, many organizations regularly leave all of the lights on in their buildings.

ONE AGENCY'S EXPERIENCE

Jackson, Wyoming, is one of the most beautiful places in the world. Its citizens care about the future of the planet and ecosystem and continue to increase their environmental awareness. The Jackson Police Department operated in the business mode outside the community norms. Officers often left cars running for hours at a time while they completed reports in the station. They joked to each other how they turned their vehicles on in November and turned them off in May. Many community members complained to the police chief and town council that the department was not being energy efficient. Drawing upon the badge of public safety, for several years, the chief declared such practices necessary for the good of the community. Finally, the town administrator called an all-employee meeting with attendance mandatory. He announced that the budget was getting tighter, and the organization needed to become more aware of budget flow in all areas. When the administrator mentioned energy conservation, the room erupted with the usual laughter. He announced, "I don't

care if you believe in the environmental benefits of conserving energy or not. This has come down to a money issue. Every bit of energy we save translates to money we have in the general fund, which is where we get money for salaries." Now, of course, he had everyone's attention and finished by reminding each employee to save energy.

New Policies

Over the next 6 months, department heads monitored their employees' energy use. The police chief reminded all supervisors that vehicles should not run while unattended unless the temperature fell below 0 degrees Fahrenheit. Subsequently,

supervisors passed that information to officers and brought it to their attention when they discovered a car's engine running unattended. Soon, officers started reminding each other. The message became clear, even though not particularly popular with some. Employees turned off office lights at night and whenever not needed during the day. The administration department shared educational tidbits to teach officers additional ways to conserve energy. Officers unplugged cell phone

and radio chargers when not in use and turned off computer monitors. Additionally, the department installed motion lights in hallways and bathrooms to conserve energy. The mayor and council members applauded the employees' efforts.

Results

The Jackson Police Department reduced its fleet fuel consumption by 44 percent the next year. Consequently, the energy use for the town hall

“...although many people believe it is always noble and politically correct to go “green” and save the environment, employees may not buy into the program without motivation.

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where the police department is located decreased 23 percent in 2 years. The results of the conservation efforts became obvious to employees in numerous ways. Department heads verbally thanked and acknowledged the success at department meetings and team briefings. As the budget became tighter, the department saved positions that might have been eliminated.

CONCLUSION

Law enforcement organizations throughout the country face financial constraints and are expected to do more with less. By discovering ways to reduce electricity and fuel costs, agencies may be able to apply such savings to general fund

balances and save jobs. They can accomplish these reductions without decreasing public safety while, at the same time, helping to preserve the environment.

Conserving energy and fuel benefits everyone. Law enforcement executives can demonstrate their willingness to lead in tough economic times by implementing innovative programs to resolve decreasing budget conflicts and save jobs in their departments. ♦

Sergeant John serves with the Jackson, Wyoming, Police Department.

Bulletin Honors



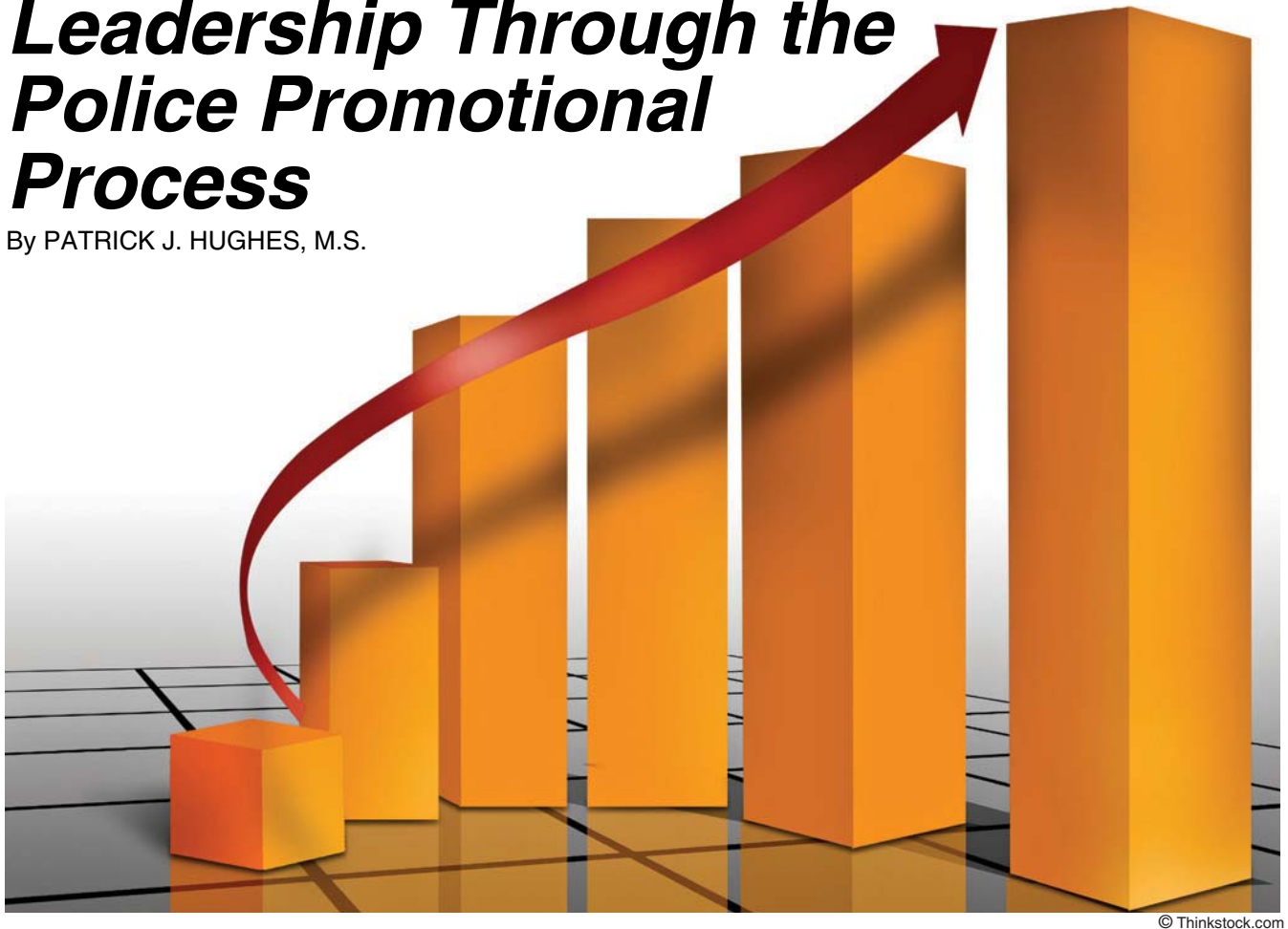
Oregon Fallen Law Enforcement Officers Memorial

The Oregon Fallen Law Enforcement Officers Memorial sits on the grounds of the Oregon Public Safety Academy in Salem. The monument features a curved granite wall, representing the survivors' lives with the ones they lost; another wall with the names of the deceased, depicting the deaths themselves; and trees, representing the lives of those left behind after their loss.

The memorial honors more than 160 Oregon law enforcement officers killed in the line of duty, some dating back to the 1880s. It recognizes those from all agencies, including city, county, and state police officers; county and state corrections officers; parole and probation officers; and other local, state, and federal law enforcement agents and officers.

Increasing Organizational Leadership Through the Police Promotional Process

By PATRICK J. HUGHES, M.S.



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Law enforcement agencies and their design appear to differ from any other type of organization. Although usually compared with the military, police departments have been referred to as having “hyper-bureaucratic military organizational attributes—those of formal rank, formal hierarchy, and a chain of unquestioned and unquestioning command.”¹ Only until a few years ago, the term *police management*, designated only for

those holding a title, described what those in the profession believed to constitute leadership. However, more recent years have shown that managers are not necessarily leaders. Rather, those placed into managerial roles should possess leadership skills, behaviors, and knowledge. Employing such a concept could improve officers’ connections with their departments and aid in succession planning when promoting future leaders within the agency.

So, how do officers obtain a police leadership position, and what measures their leadership behaviors and skills? Are the right people placed into these positions, and can these individuals lead larger numbers of officers in the future? For the past few decades, some police research has dealt with such topics as leadership styles of those in positions of authority. Other studies have focused on leadership as it pertains to gaining organizational commitment.

Little research, however, has examined the promotional process and how it can impact organizational leadership and commitment. In today's world, a need exists to research and create changes to both the design of these agencies and the process to promote future leaders.

To this end, the author explores the current assessment process used to promote first-line supervisors and discusses leadership education and its availability and applicability to all officers. He draws a connection between desired leadership styles and how a proper assessment process, coupled with leadership education and training of future first-line supervisors, could enhance the abilities of those in positions of authority to lead the officers in their charge.

Examining the Design

When focusing specifically on organizational design, law enforcement agencies are highly structured with well-defined charts that describe the roles that accompany the position titles set forth. In addition, top-down communication exists inside these agencies. Some arguments have highlighted the need for this design because of the severe situations officers encounter and the great amount of liability that accompanies such incidents. These organizations

and their design, however, lack some items that officers would like, such as better communication networks, more participation, improved decision making, and enhanced ethical leadership. Through these requests for change, organizational commitment may increase. Research has indicated that "participative role clarification improved organizational commitment."² Inside a militaristic-designed organization, the levels of rank in management and their importance often are oversimplified and many times seen as a mere conduit of communication having no real influence on subordinates. Researchers have argued that "obedience socialization and military command supervision across the hierarchical levels appear to distort the

nature of police work."³ Police organizations face a changing environment at a faster than normal pace and should have a structure flexible enough to handle such situations, as well as flowing communication and leadership firmly embedded in the design. In most police structures, ranks descend from chief to deputy chief, captain, lieutenant, sergeant, corporal, and patrol officer. These levels exist more in larger metropolitan or county-level agencies mainly due to the number of officers employed. However, in some states, such as Pennsylvania, department size does not allow for such rank design, making the levels of sergeant and patrol officer more open to leadership situations. One study noted that the "quasi-military model

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Professor Hughes, a former police officer, is the director of criminal justice administration at Central Pennsylvania College in Harrisburg and also instructs at the Harrisburg Area Police Academy.

makes no provision for the situational effects of a leader's behavior."⁴ Other researchers echo this by suggesting, "Although many agencies appear to rely on military arrangements in terms of structure, rank, and hierarchies, this model may not effectively serve police leaders and their respective organizations. Replacing the military model of leadership development with behavioral competency development may be more effectual in leadership and agency performance."⁵

Many in the police arena believe that law enforcement agencies differ greatly from organizations in the private sector. However, one study compared the scores of police leaders on the California Personality Inventory with those from the business world and found that "results indicate very similar scores."⁶ Is there truly a difference in how leadership is applied between the policing and business worlds? Some in law enforcement will argue that at their basic cores, the two differ in followers, motivation, and desired leadership styles. Many people associate the word *entrepreneur* with the world of business. One study introduced the concept of entrepreneurial policing with the basis behind such a term being that the leadership concepts in policing do not differ greatly from those of

business. It suggested that "entrepreneurial policing is an open style of management linked to, but transcending, individual leadership styles because it can be practiced by everyone within the police service irrespective of rank. This link between the rubrics of entrepreneurship and leadership is vital because for a practical theory of entrepreneurial policing to develop, policing

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Many in the police arena believe that law enforcement agencies differ greatly from organizations in the private sector.

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requires the active participation of future generations of police leaders."⁷ This concept not only intertwines the business world with policing but also exemplifies that leadership should be seen at all levels within the police organization. To further support this, the study connected entrepreneurship and policing by reporting that it "is action-oriented cognitive human ability, which guides policing as an everyday practice and

paradoxically links managerialism and conformity to risk-taking behavior."⁸

In addition, some studies have reported other perceived leadership styles gathered from sworn personnel.⁹ For example, researchers examined how these styles affect officer-integrity violations. Findings identified three styles as openness, role model, and strictness, concluding that "all three aspects of leadership...have a significant effect on the frequency with which corruption occurs."¹⁰ Another study revealed that the most effective perceived style admired by officers was transformational leadership.¹¹ Finally, another researcher focused on officers as the "change agents" in police organizations, arguing that "police departments could be well advised to encourage participatory involvement as a vehicle for organizational reform."¹²

As seen by this variety of research, many studies have identified styles sought by officers of their supervisors. It appears that through employing these styles, officers may have stronger organizational commitment. By engaging in these styles, supervisors may strengthen the integrity and ethical behavior of the organization. Apparently, strengthening leadership among supervisors, especially first-line ones (e.g.,

sergeants), would benefit many law enforcement agencies and their followers.

If police organizations need more flexibility and incorporate leadership at all ranks, what, then, should change, and who should participate in that change? Moreover, Does the current promotional process truly select candidates with these styles, and, if not, how can that process be improved to do so?

Analyzing Promotions and Assessment

These processes can differ from department to department given the resources and number of employees. Many larger agencies usually employ a procedure involving written and oral examinations, performance evaluations, psychological and physical tests, and drug screening created and disseminated by a consulting department.¹³

Agencies can expand and contract on these steps if they so choose. However, this can prove costly for smaller ones that often must rely on years of service and performance evaluations to promote their officers. With all of this in mind, the question remains, Is the current promotional process truly choosing candidates with the wanted leadership styles, and, if not, what improvements can be made?

One of the most difficult tasks in the promotional process is creating standardized testing, a system employed in such areas as collegiate admissions, government civil service, psychological measurement, and high school academic proficiency. As a means of bringing fairness and equality to all who take them, the exams seek to measure, through written words, a person's skill or personality. Prior to the test, candidates should complete a job-task



analysis, which offers performance dimensions needed for a certain position. While such testing has served its purpose, recent research has shown some flaws.¹⁴ For example, researchers administered the California Psychological Inventory (CPI) to promotional candidates in Texas attending leadership training. They gave both a pre- and posttest, advising "results

indicate that the CPI-260 can be utilized to assess change through training and that, in this case, the training seemed effective at helping the law enforcement executives develop their leadership skills, awareness, and abilities."¹⁵ In the current processes, many candidates never attend, nor are given the opportunity to do so, any leadership training prior to testing. Some attributing factors may be cost, shift coverage, availability of training, or simply not viewing it as needed.

Assessment centers also have made their place in standardized testing and often exist in the government and public sectors. "Over 62 percent of the respondents in a recent survey of police and fire chiefs reported that they use assessment centers, especially for promotion."¹⁶ Further findings showed that centers "are inappropriate for selection procedures which purport to measure traits or constructs, such as intelligence, aptitude, personality, common sense, judgment, leadership."¹⁷ This study suggested an alternative to the written assessment. It used the term *task-specific centers*, defining this concept as "exercises (work samples) and not performance dimensions."¹⁸ Given the various differences among organizations, each could design its own task-specific assessment using

the officers, administrators, and subject-matter experts. This would suggest better participation by officers at all levels. One downside to this concept is that “assessors...are not determining how much leadership or judgment a subject has; they are attempting to measure how well the subject handles a specific job-related situation.”¹⁹ Interestingly, the study did not say that leadership may not exist in the behavior while completing the task. Some situational leadership skills could emerge during the performance of the work. “It would be appropriate, however, to have an exercise where the subject was designated group leader and there was an issue to address.”²⁰ Then, it could be asked if this assessment measures behavior. The answer is yes. The study included a component termed *behavior observation* in the assessment process. When discussing the assessment of future leaders, leadership is observable, thus a behavior. “Checklists can include a short 8-15 list of items considered important...a method for recording the subject’s actions.”²¹ Revisiting the desired leadership styles of officers, it is suggested this checklist be designed specifically for those behaviors sought by the officers to be led. This would ensure the right person is chosen to lead. Another researcher said it correctly, “Leadership is

a behavioral quality which has to be demonstrated in everyday contexts.”²² That is the concept that supports using behavior observations in task-specific center assessments.

By further investing time into creating a better testing process to observe leadership behavior, law enforcement agencies would improve their organizational design. Ultimately, they would provide those being led with their chosen leader. It also would be a positive step

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into planning for the future for many agencies because law enforcement organizations often do not consider the concept of succession planning.

Planning for the Future

The final question to investigate is, How do police organizations plan and train future leaders of their departments? Many do not invest time or money into sending officers to leadership training. This could

be at a federal, state, or local level. On a federal level, the FBI maintains the Leadership Development Institute.²³ Some states also may have some type of leadership seminars or classes. For example, Pennsylvania, through the Penn State Justice and Safety Institute, offers nine leadership development courses.²⁴ Of these, seven require the officer to hold the rank of lieutenant or higher, one requires the officer to be in the promotional process or promoted, and one has nothing noted about who may attend. This concept in offering leadership training does not appear to be in line with that of succession planning. Instead of supplying training to those choosing or aspiring to be leaders, the training occurs after the officer is selected from a list of eligible candidates. Educating in this manner appears to “place the cart before the horse.” After all, officers seek certain styles from those who lead them, but these styles do not appear to be measured through the current written assessment process. One researcher suggested, “The quality of police leadership could be improved by more effective methods to identify officers in the middle rankings posts who had the potential to become chief officers.”²⁵ He advised that succession planning can increase overall police leadership that can be accomplished through training

the right people. His research sought to “modernize the police workforce, enhancing training and career progression to improve leadership and management skills at all levels of the service.”²⁶

Another issue in succession planning might be that not enough individuals want to take part. This could be for various reasons, such as satisfaction with the current assignment, monetary loss, lack of support or motivation, poor test-taking ability, or a disconnect with current administration values. In one study, officers perceived their promotional process as “not picking the best police officers” and “the testing and selection method.”²⁷ Whatever the reason, this does not suggest a lack of those who can lead given the right tools. Sometimes, as stated in another study, officers have the “perception that promotions are not based on merit and reflect a hidden administrative agenda.”²⁸ However, in the same study, “black test takers indicated leadership as a prominent concern.”²⁹ While this is a positive sign of those focusing on leadership, this notion needs to be permeated throughout the organization. Proper succession planning can make this possible with researchers agreeing on “the importance of creating a seamless continuity in leadership development and succession planning.”³⁰

By law enforcement changing the admission and availability of currently offered leadership training simultaneously with the current promotional processes, police organizations can begin to assure that they chose the right leaders.



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Conclusion

Research has shown that the current design of police organizations does not support change easily. However, research also has demonstrated that officers want improvements in how their future leaders are chosen and the styles these superiors should exhibit. Making leadership training available to those aspiring to become leaders and changing written assessments to those that measure task behavior could help bring about these desired advances. Further research could focus on leadership training and how to build it into an organization's succession planning, thereby

improving the overall leadership throughout.

In this day and age of increasingly complex challenges for the law enforcement profession, such changes seem warranted. Concerning policing in the 21st century, one researcher aptly stated, “Our job now is to go out and garner learning from wherever it exists and increase the richness of our leadership culture.... Police leadership is not essentially different from all other forms of leadership.”³¹ ♦

Endnotes

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Culture: An Autoethnographic Account,” *International Journal of Police Science and Management* 10, no. 2 (2007): 165-178; Jermier and Berkes; and Toch.

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¹² Toch.

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Bulletin Reports

Missing Children Guide

The fourth edition of *When Your Child Is Missing: A Family Survival Guide* by the Office of Juvenile Justice and Delinquency Prevention provides parents with the most current information on and helpful insights into what families should do when a child is missing. It contains what to expect when a child is missing, what needs to be done, and where to go for help.

Written by parents and family members who have experienced the disappearance of a child, the guide explains the role that various agencies and organizations play in the search and discusses some important issues that parents and family members of missing children should consider. Beginning with a checklist summarizing the most critical steps to take when a child first goes missing, the guide continues with seven chapters, each structured to allow readers to find information quickly and easily. Each chapter explains both the short- and long-term issues and contains a checklist and chapter summary for later reference. Some recommended readings and a list of public and private resources appear at the back of the guide.

To obtain a copy of *When Your Child Is Missing: A Family Survival Guide* (NCJ 228735), access the National Criminal Justice Reference Service’s Web site, <http://www.ncjrs.gov>.

Family Abductions

Authored by survivors of family abduction, *Crime of Family Abduction: A Child's and Parent's Perspective* by the Office of Juvenile Justice and Delinquency Prevention furnishes the searching family, law enforcement, and mental health professionals with strategies to build a comprehensive, child-centered approach to recovery and healing. According to the U.S. Department of Justice, as many as 200,000 children are victims of family abduction each year. Although the majority are taken *not* by a stranger but by a parent or family member, the issue of family abduction remains laden with misconception and myth. Serious missing-child cases that have devastating effects on the child are too often seen as divorce and custody matters, something private that the public and law enforcement should not concern themselves with. The truth is that family abduction can be as physically dangerous and even deadly for the child victims as any other form of child abduction. Most often, however, the worst damage is imperceptible to the eye, occurring deep within the child and leaving traces that may last a lifetime.

Written from the perspective of the child and the searching parent, the publication is designed to help readers understand the unique characteristics of family abduction and the nightmare that these children and parents have experienced. Although the individual circumstances show the multifaceted diversity of family abduction, the one thing they have in common is that they were all *missing child* cases. The child victims were concealed by their abductor, hidden not just from their searching family, friends, schools, and community but also from the justice and child protection systems.

Misperceptions about family abduction can potentially cause further trauma to the abducted child. These misperceptions also can lead to an increase in the incidence and duration of family abductions.

Readers interested in obtaining this document (NCJ 229933) can visit the National Criminal Justice Reference Service's Web site, <http://www.ncjrs.gov>.



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Perspective

The Need to Promote Career-Long Vitality and Wellness in the Police Profession

By Daniel Mattos



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After making the decision to begin a career in law enforcement, most of us entered the profession with a reasonably well-developed idea of what we *thought* we were getting ourselves into. Some of us had idealistic goals centered around public service; some wanted to experience the thrill and challenge of catching crooks; others came seeking vocational stability and the camaraderie that the profession offers. Whatever attracted those of us who took the oath to serve our communities, it can be reasonably assumed that it did not include constant exposure to the toxic elements of policing. Undoubtedly, we did not consider death, violence, threats, moral depravity, and a host of other social ills as motivators for entering the law enforcement profession.

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What happens to those idealistic law enforcement professionals *after* they have become battered with the reality that their service can take different courses—courses that depend on what they learn along the way, how they are mentored, and how they personally choose to live their lives? To enjoy a fulfilling law enforcement career in conjunction with a personal life filled with vitality and happiness should be the goal of all of us in the profession. Unfortunately, this too often becomes a daunting task for many officers consistently exposed to the caustic elements of a career in law enforcement.

CAREER STAGES

As a profession, we have historically placed a high priority on tactical skills and equipment that increase our safety in the field. Defensive driving, firearms training, and hand-to-hand defensive tactics are heavily focused on at the academy level and throughout our careers. Moreover, we arm ourselves with handguns, rifles, and shotguns; wear ballistic vests; and carry other equipment with us daily to keep us safe. Sadly, though, when we look at the amount of time spent training officers to defend themselves against the psychological and emotional traumas they will face, our profession falls drastically short. We issue ballistic vests to protect our officers from bullets, but what armor do we give them to deflect the caustic events they face during their careers?

Realizing that the people we work with are our most valuable assets, we have a duty to provide our employees with the necessary training, guidance, and resources throughout their careers to enable them to live full, healthy lives. This guidance and direction should take place at the onset

of our professional careers, continue through those years between the beginning and end of our careers that represent the zenith of our contribution to the profession, and ultimately sustain us as we travel down the road to retirement.

The Beginning

When I think of the early years in a police officer's career, I cannot help but recall a saying I once heard. "When I was 14 years old, I could not believe how stupid my father was, and, when I turned 20, I could not believe how much he had learned." This says volumes about how we learn as we age and has distinct parallels as to how we grow as police officers.

It seems to me that many officers in the early years of their career are fortunate enough to have good mentors who try to steer them on a true and correct course. However, invariably, most new officers arrive at a point

when they actually *think* they have things figured out. Using myself as an example, it was around the 2-year mark that I began to develop definite opinions of how police work should be done. In fact, I was so impressed with my newfound logic and reasoning capabilities that I actually thought that I had better ideas about how to do police work and run police organizations than those who had been in the business for years. More than once at three o'clock in the morning, I found myself "car to car" with another young officer who had similar views—someone with 2 years on the job who also actually had things figured out. That was over three decades ago, and I dare say that my current observations suggest that little has changed in terms of how officers grow professionally.

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We issue ballistic vests to protect our officers from bullets, but what armor do we give them to deflect the caustic events they face during their careers?

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In truth, it takes years to fully grasp the realities of being a police officer and appreciate that the work is fluid, that change affects everything, and that several different ways exist for approaching issues. In reality, new police officers face the same challenges as those of us who have been doing the job for years, yet they do not have the benefit of the professional wisdom and understanding that only experience teaches. In dealing with the emotional and psychological hurdles faced by new officers, this lack of experience can have devastating and long-lasting effects that impact all facets of their lives. It is with this thought in mind that police managers and leaders must move forward toward focusing on the overall health and vitality of new officers by engaging in practices that foster an institutional climate of health, wellness, and understanding. Moreover, wellness programs for equipping new officers with “emotional armor” *prior* to releasing them from their respective training programs should be developed.

Looking at the cultural and professional evolution of new officers in a somewhat clinical fashion, I note that new police officers enter the profession after the traditional battery of applicant tests, academy training, and field instruction by experienced police officers. The premise of the testing is to assess officers’ fitness for the career that lay ahead of them; typically, this includes some sort of psychological testing designed to gauge how well they will be able to cope with the rigors of police work. Once selected, new officers complete training and then are essentially set free to perform their duties in a relatively loosely supervised atmosphere—one in which they are forced to cope with many situations as part of an ongoing learning experience.

It is during these early steps along their career path that new officers acclimate to the culture of their respective agencies, adapt to their coworkers, and develop the professional personality they likely will keep for their entire careers. Also during this initial part of new officers’ careers, the seeds of professional integrity, ethical hygiene, and personal wellness are developed. At this vital stage, new officers are looking for guidance and role models, essentially seeking to be like those they admire. During this impressionable period, police managers must concern themselves with imprinting upon these officers the need to develop skills

to enhance their emotional and psychological wellness equally as much as the other professional skills they have been taught.

Wellness and vitality in the early phases of their careers are not typically focused on heavily by these officers, particularly those not only young in professional years but in actual ones as well. For most new officers, the excitement and challenge of their new profession is intoxicating. Few of

us in the profession for any amount of time would not admit that we found it nearly impossible to stay away from the job in the early years of our careers. With this in mind, police managers must make the effort to get the attention of the new officers during the beginning of their careers and impress upon them that staying emotionally fit is just as important as catching crooks and doing all the “fun” stuff that new cops are drawn to. Again, while most agencies do a good job of taking care of their personnel when a problem surfaces, many do not have a developed program that addresses the emotional welfare of their officers at the start of their careers.



Without a doubt, all law enforcement organizations need to address the issue of emotional wellness and vitality at the earliest phases of their officers' careers. Making it evident that emotional health is directly tied to their professional prowess should be one of the fundamentals incorporated into the orientation phases of new police officers. Approaching the issue of emotional well-being by linking it to their professional success creates an interest that otherwise may go undeveloped. Simply put, new officers want to succeed in their careers, so tying their success to emotional wellness can go a long way toward helping them understand the importance of this issue.

Specific emphasis on programs addressing vitality and wellness for new officers should be incorporated at the academy level, during field training, and through an ongoing interagency discipline aimed at gaining and maintaining emotional wellness and career-long vitality for personnel. It is through the timely incorporation of programs that address emotional well-being that agencies will have the opportunity to provide their employees with the seeds of emotional fitness that will help them survive the challenges of the career ahead.

The Primary Years

Looking at my career, I see that I spent the first 5 years learning the basics of my job. During this time, I chose those I wanted to emulate and learned values that ultimately have stayed with me. Essentially, I forged my law enforcement character and formed my decision on how I would travel through my career. I believe that most of us in the profession follow this pattern or a very similar one. It

also occurred to me that my most productive years professionally took place after the 5-year mark and continued at varying degrees throughout my career, now spanning over three decades. Having talked to uncounted police officers over the years, I again find that this is a pattern that seems to present itself among career officers.

Unfortunately, the productivity and success also comes with a price best exemplified by an experience I had several years ago. While in an office with several seasoned detectives, we discussed

who had been divorced and who had not. After a role call of eight detectives—all successful and dedicated to the profession—all but two had been divorced at least once. Nationally, the divorce rate among police officers is shown to be as high as 70 percent in a society that has a divorce rate of around 50 percent. Volumes have been written on why the divorce rate is high among police officers; however, I use this example simply as a way of conveying that we constantly

walk in murky waters, which often devastates our personal lives.

The residue from these toxic waters creates the perfect conditions for marital discourse, depression, substance abuse, and other maladaptive behaviors that ultimately can wreak havoc on the physical and emotional vitality and wellness of police officers. It is during the primary years of our career—years in which we have become committed to the profession and have a vested stake in our careers—that we are most *consistently* exposed to the caustic elements of society. And, because of this consistent exposure to those harmful elements of our jobs, our vitality and wellness become imperiled.

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To ensure the wellness and emotional vitality of our officers, police organizations need to adopt an institutional character that promotes well-being.

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How many of us who have been in the law enforcement profession can honestly say we have not been touched by grief, sadness, shock, and the countless other emotions that we have experienced as a result of being exposed to the multitude of situations we are called upon to deal with? By thinking of what we are continually exposed to, it is not difficult to realize that most people in our society rarely, if ever, see or experience even one horrific event in a lifetime—let alone be exposed to these events sometimes daily. With this in mind, it is certainly not difficult to understand why police officers often struggle to live with some degree of normalcy. The reality of what we do is this: we live daily in a vastly different world than the rest of our society and are exposed to a constant barrage of forces that challenge our ability to live happy, healthy lives. And, this concept applies most heavily to those in the in-between years, those who represent the most productive and visible years of our careers.

Taking all of this into account, police administrators need to accept the fact that the days of telling seasoned officers with work-related emotional difficulty to “buck up and get to work” are long gone. In an era in which our ranks are being filled with employees who have been raised in a generational atmosphere where mental and physical health are routinely focused upon as a priority, police administrators must take a leading role in assuring that those needs are not only addressed but also for the right reasons because the welfare of our employees is singularly the most vital issue that we are responsible for.

To ensure the wellness and emotional vitality of our officers, police organizations need to adopt an institutional character that promotes well-being. To begin with, this culture is fostered by

the basic tenets of managing human beings: treat them with dignity and respect. Then, the character of the organization is further built upon by its leaders demonstrating a genuine, consistent, and permeating attitude of care and concern for those who work there; this character is built mostly by deeds and actions and not by words—police officers, as a whole, often are suspicious and not easily disposed to what may be regarded as a passing fad. Finally, once these organizational characteristics are melded together whereby they are understood to be the actual culture of the institution, employees will feel comfortable and safe when realizing they need to address personal issues that could affect their emotional or physical well-being.

Most important, institutional programs and safeguards must encourage employees to seek help for issues they may face. These programs or safeguards can simply ensure officers that they can talk to a supervisor about an issue troubling them and perhaps, to seek professional assistance through programs sponsored by their agency.

The seeds of employee wellness are directly linked to an organizational atmosphere that clearly values employees and promotes their vitality and wellness. This mind-set creates an imperative for police managers to set a tone for their organizations that will promote overall health and wellness.

The Finish Line

Without a doubt, unique stressors in the law enforcement profession make it necessary to monitor how officers live their professional and personal lives and to ensure their emotional and physical health are not being adversely impacted. But, what



happens when our career is nearing its end and eventually comes to a conclusion?

Much—if not most—of the transition to retirement is dictated by the mind-set of the retiring officers. Are they still happy in their careers? Are they miserable and just want out at all costs? Do they have outside interests developed? Are their families and marriages intact? Are their careers their lives? Officers approaching retirement must examine such questions.

One idea should permeate any discussion about police retirement: the thoughtful consideration of how retirement affects officers when one day they are an active part of a viable law enforcement community and the next are “out the door.” This may seem like a relatively simple thought to grapple with, but whether retiring officers are happy or sad about their retirement and whether they have a life planned for when they are no longer a cop, the fact remains that what they have done day after day for decades has just come to a halt. This means the commander who had responsibility for dozens or hundreds of employees is no longer the commander; the officer who was looked to for guidance at the scene of a tragedy is no longer looked at in this light; the daily meetings for coffee and conversation with coworkers no longer take place.

In the final analysis, career officers who make the transition into retirement must face the fact that much of life as they have come to know it will change. And, like it or not, they have to change with it. In the spirit of promoting wellness and vitality within our soon-to-retire personnel, we must take organized steps in preparing these employees for the reality of retirement. In accomplishing this,

agencies should develop and monitor a system that tracks those who are within 2 to 3 years of retirement and implement programs that address what these officers should expect.¹ These types of programs are not new by any means; however, the concept of instituting them as a viable part of an agency’s overall personnel policy is not routinely practiced. The programs should be tailored to law enforcement and should include an oral presentation by retired officers who can address issues that they faced upon retiring. Experience has shown that cops will listen to other cops—even more so when they know each other.

In addition, the programs should include financial planning and information on physical fitness and health. Agencies should seek the guidance and direction of professionals within their community when putting together these programs. An overall view toward retirement that includes the retiring officer’s mind-set, emotional and physical health, and financial future should be at the core of any in-

house program that seeks to make the transition to retirement successful.

As a final thought, I note that those officers who are retiring have in one form or another mentored many new recruits and experienced officers along the way. With this in mind, who mentors those who have retired and left their extended law enforcement family? An observation that I believe holds true throughout our law enforcement community is the fact that once many officers retire, they “fall off the radar screen” and are forgotten about. Instead, why not institute “reverse mentoring”? Keeping the names of retired officers on an active list that agencies can monitor to ensure those officers receive invitations to social events

“ Experience, as well as common sense, suggests that transparency within police organizations leads to the development of trust. ”

and periodic contact from others in the organization could work wonders for those who may struggle with retirement.

COMMUNICATION STRATEGIES

Police officers do not come completely formed and ready to deal with the host of issues inherent in the law enforcement profession. Rather, they come from the civilian world and are soon exposed to events that *necessarily* harden them into what they must become to function in their role as a police officer. This conditioning results from exposure to horrific events and constant contact with people who routinely choose not to conform to accepted rules and standards. Not surprisingly, police officers become naturally suspicious, cynical, and often uncompromising in some of their views. Therefore, police managers must realize that to effectively relate to their officers, a level of trust that promotes communication and safety within the organization has to exist.

How then should police agencies develop trust and comfort that will allow for the development of programs that promote officer wellness? No doubt, the idea of promoting trust within law enforcement organizations has been a subject of conversations since the days of the Roman Legions. However, with the idea in mind that the goal behind programs that will enhance officer wellness is to create a transition between unhealthy habits that officers have developed or fallen into at various stages of their careers into those that promote emotional and physical wellness, some clear-cut paths can lead to trust and cohesion within police organizations.

Experience, as well as common sense, suggests that transparency within police organizations leads to the development of trust. Because of their

very nature, police officers become suspicious about what they do not know about. For instance, I can recall several discussions that took place between myself and other officers during my early years about my department's budget. The budget process and the actual information regarding the budget never was made available to the rank and file, hence immediate suspicion arose. When the budget came out with no raises or needed equipment, suspicion grew stronger. The bottom line on the issue of transparency is to share what you can and be up front about it. Although police managers are not obliged to share everything with the rank and file, they can benefit from keeping their officers informed.

Leaders also can build many trust-related bridges through the willingness to share some of their personal experiences. What this means is not being afraid to discuss mistakes you have made to show those you work with that you are human and certainly not perfect. What managers or supervisors choose to share

is up to them—obviously, it is not necessary to discuss intrinsically personal issues. However, by allowing others to know what you have learned through your mistakes promotes an underlying tone of humility—which, in turn, promotes trust and understanding.

Openness, good communication skills, sincerity, and frankness all work together to form a general sense of trust and comfort in police organizations. It is within the context of these traits that the road is paved for police officers to willingly come to the table and learn about themselves and the fact that they must develop skills throughout their careers that will allow them to remain healthy and ultimately transition to retirement.

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Openness, good communication skills, sincerity, and frankness all work together to form a general sense of trust and comfort in police organizations.

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CONCLUSION

By the very nature of what we do as police officers, we are unavoidably exposed to a host of toxic elements that can be likened to grains of emotional sand that ever so gradually are placed on our psychological backs. As time goes on, the sand increases in volume. Without the proper tools to remove it, the weight can become unbearable. In fact, in some cases, the sand becomes so heavy that it can collapse officers. The result of the sand's weight takes a heavy toll on us; substance abuse, anxiety, depression, failed marriages, and other emotional and physical ailments that rise well above societal averages plague our profession.

Law enforcement managers in modern law enforcement are faced with the challenge of acknowledging that because officers are exposed to the caustic elements in our society, they run the risk of becoming victims themselves—victims whose lives can lack wholeness and vitality because of what they deal with. Acknowledging this to be the case, police agencies need to take a proactive role in promoting physical and emotional wellness within their organizations. The benefits are many and can be looked at clinically in terms of increased productivity, enhanced interaction with the public, reduced use of sick time, and many other bottom-line factors. However, in the end, the best reason for sponsoring an organizational atmosphere that promotes physical and emotional hygiene, as well as a clearly recognizable attitude of institutional care and concern, is that it is the right thing to do and what we owe to those who help us form the “thin blue line.” ♦

Endnotes

¹ For additional information, see Carl B. Caudill and Kenneth J. Peak, “Retiring from the ‘Thin Blue Line’: A Need for Formal Preretirement Training,” *FBI Law Enforcement Bulletin*, October 2009, 1-7; and Part Two, November 2009, 12-18.

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Investigating and Prosecuting Hidden-Compartment Cases

By TODD F. PROUGH, M.A., and ROBERT VEIGA, J.D.



Photos courtesy DEA

The trafficking of illegal drugs can be viewed within the paradigm of legally traded commodities, such as televisions or automobiles, which follow a similar process—manufacture, shipment to wholesalers, transfer to retailers, and sale to consumers. In the world of illegal narcotics, the progression from drug creation to drug use is known as the *chain of distribution*.

Beyond the sale to a customer, many other and, unfortunately, often ignored activities aid or assist this illegal activity. These can include diverting precursor chemicals to manufacture drugs, renting hotel rooms to conduct transactions, or laundering drug proceeds to legitimize profits. Although the synthesis of drugs can be a lengthy process, they spend the majority of their lifespan (i.e.,

the time between manufacture and use) being transferred along the chain of distribution. For example, after their manufacture in foreign countries, heroin and cocaine are transported to the U.S. border, smuggled across, transferred from wholesale to retail dealers, and then sold to customers. Even domestically produced drugs, such as pharmaceuticals, marijuana, and methamphetamine, must be

transported among various links in the distribution chain.

Drugs as commodities possess two specific characteristics: they are illegal and expensive. These characteristics pose special transportation problems for drug traffickers. Because they are illegal, drugs must be transported in a manner that avoids detection by law enforcement. And, as they are valuable, drugs must be transported securely to ensure that they will not be lost, stolen, or seized. How can traffickers satisfy these requirements?

Traffickers can smuggle drugs in numerous ways. Human couriers move drugs by concealing them with their bodies either by hiding them in or under their clothing or by inserting or ingesting them into their persons. Some traffickers use go-fast boats or small planes to smuggle drugs into the country. Others simply ship the drugs in parcels via the postal service or retail shippers and hope law enforcement will not interdict the packages.

Another popular technique is to store the drugs within a hidden or concealed compartment in a vehicle. These compartments, also known as *hides*, *traps*, or *clavos*, are designed to disguise their existence by blending into the normal elements found in many means of transportation, such as cars, trucks, vans, boats, or

airplanes.¹ Such compartments can be built into almost any part of a vehicle, including seats, gas tanks, trunks, spare tires, and dashboards.

Hidden Compartments

Hidden compartments can vary in size and complexity. Some are designed to hold a single handgun while others can contain hundreds of pounds of drugs. In addition, the sophistication of a hide is only limited by the creativity and technical knowledge of its designer or installer. Rudimentary compartments consist of a very basic design with little or no alteration of the vehicle. Examples include using the space behind the center of the steering wheel or cutting away part of the rear bumper and adding a lid with hinges. More elaborate hides

appear as part of the vehicle to inhibit the ability of law enforcement to discover them. Upon a cursory or even thorough examination, officers may overlook the hidden compartment because of its disguise as an unaltered component of the vehicle. However, the actual compartment is covered by a lid or built as a drawer. The lid or drawer is powered open by an electronic or pneumatic motor that can be triggered by activating a complex series of switches, such as turn signals, power windows, or the defroster. Beyond the difficulty of actually detecting the hide, officers often cannot determine the proper series of switches needed to open it. This provides an added level of protection for the illegal contents hidden inside the compartment.²



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Techniques

Unlike drug transactions, which can transpire in hotel rooms, alleys, or parking lots, the installation of hides almost always occurs in some type of garage. Depending on the sophistication of the hide, equipment, such as acetylene torches to cut metal and hydraulic lifts to get access to the undercarriage of the vehicle, may be necessary. Because hide installers use specific work spaces, tools, and mediums (i.e., vehicles), investigators can employ several techniques to investigate hidden compartment cases.

Officers can use typical techniques employed in traditional drug investigations. Law enforcement officers can primarily identify those engaged in installing hides through the use of cooperating defendants perhaps arrested in possession of such a hide, from established confidential sources, or from anonymous tipsters. Investigators can employ an undercover operation to infiltrate the business and gather intelligence or evidence. For example, a confidential source or undercover agent may solicit the installer to sell a vehicle already equipped with a hide or to install a hide in a vehicle provided by law enforcement. Investigators should attempt to elicit statements that clearly demonstrate the installer knows the compartment will be used for illegal items.

For instance, the undercover operative could negotiate with the installer and specify that the hide should hold kilos of a drug, provide easy access to a firearm, or ensure that it will not be discovered by law enforcement. The undercover operative also could request references from satisfied customers of the installer, thereby gathering

“ Law enforcement agencies should investigate individuals or organizations constructing hides for numerous reasons. ”

more evidence and identifying other drug traffickers. The undercover operation should be coupled with surveillance that could identify coconspirators, as well as other drug traffickers or vehicles containing hides.

Investigators also may seize a vehicle containing a hide. In those instances, they should research the ownership records. Officers may find a pattern of “straw” owners, thereby providing leads to other vehicles of interest owned by the same person. Upon dismantling the hide, investigators should check all of

its components for serial numbers. By researching those numbers through the manufacturer, auto parts dealer, or junkyard, investigators may identify who purchased the components used in the construction of the hide. These steps could yield evidence crucial to the identification or prosecution of installers.

In addition, an often underused technique is to exploit the benefits of an off-line National Crime Information Center (NCIC) query. This is a special search conducted by certified personnel for information not available in online queries, such as those using incomplete information, like a partial license plate number or VIN. Investigators also can request a search of transaction logs to determine if another agency has queried the person or vehicle.³ Officers should request off-line NCIC searches on license plates or VINs from vehicles containing hides. The results will show what police agencies, if any, queried the vehicle, thereby creating a travel timeline for the vehicle, which may create new leads. For example, the hides may be installed in one state, but the vehicles may be used in other states to transport drugs. In addition, further research into the results of off-line searches by contacting the inquiring agencies may identify the drivers or passengers of vehicles. Off-line searches can provide

a much broader picture of the illegal activity and uncover actionable leads or valuable intelligence that investigators may not otherwise possess.

Legal Tools

Unfortunately, the legal tools available in charging cases involving hidden compartments are fairly limited. There is no federal statute specifically addressing the design, manufacture, or use of a trap, or, in the slang, *clavo*. Instead, charges at the federal level must be addressed through a statute dealing with drug paraphernalia.

That statute, Title 21, U.S. Code, Section 863(a) (1), provides in pertinent part:

- a) It is unlawful for any person
- 1) To sell or offer for sale drug paraphernalia.

The term *drug paraphernalia* is further defined in Section 863(d) to mean:

Any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter.⁴

An analysis of the federal statute demonstrates at least two significant drawbacks to its effective use in cases involving hidden compartments. First, as set forth in the overall prohibition of Section 863(a), the statute only applies in those instances where a person sells or offers for sale an item of drug paraphernalia. Second, the drug paraphernalia definition contains only one reference to a category that could be construed as covering a hidden trap: “Any equipment...which is primarily intended or designed for use in...*concealing*...a controlled substance, the possession of which is unlawful.” (Emphasis added.)

Therefore, to establish a violation of Section 863 in a

hidden trap case, the following elements must be established beyond a reasonable doubt:

- 1) The perpetrator sold or offered drug paraphernalia for sale.
- 2) The hidden trap was equipment or a product primarily intended or designed for use in concealing a controlled substance.
- 3) The perpetrator acted knowingly.

As a result, Section 863 cases are limited to situations where an undercover officer or informant solicits a suspect to build a hidden trap for a fee. This type of investigation would necessarily involve not only the development of evidence as to construction of the device but



also the collection of recorded conversations between the law enforcement agent and the target in which the target is placed on notice that the device will be used for concealing a controlled substance. Unfortunately, this appears to be the only way that the required elements may be proven.

A recent case in the U.S. District Court for the District of New Hampshire is illustrative. In *United States v. DeLeon*, the defendants were charged with conspiracy to sell drug paraphernalia, aiding and abetting the sale of drug paraphernalia, and substantive drug offenses. The charges arose from an undercover investigation in which an informant solicited DeLeon and others to construct a hidden compartment in two separate vehicles, which were supplied by law enforcement. During the investigation, the informant engaged in several conversations in which he made clear that he planned to use the clavos to transport controlled substances. Despite these assertions, the targets nevertheless agreed to construct the devices, thereby demonstrating the necessary intent to prove a violation of the statute.⁵

Surprisingly, in light of the absence of an effective federal response for criminalizing the possession or use of a hide, a survey of existing state statutes reveals that only a small

number of state legislatures have considered this significant problem and addressed it with legislation specific to the possession and use of hidden traps for transporting persons, controlled substances, and other contraband. The California legislature appears to be the first to address the issue. In 1993, it passed Section 11366.8 of the California Health and Safety Code titled, *Construction, possession or use of a false*

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Hidden compartments can vary in size and complexity.

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compartment with intent to conceal a controlled substance. The statute addresses two primary types of conduct: 1) those who possess, use, or control a false compartment; and 2) those who design, build, alter, install, or fabricate a false compartment within a vehicle. Of course, the conduct contemplated by the statute must be in connection with “the intent to store, conceal, smuggle, or transport a controlled substance.”⁶

The statute proscribes two potential penalties, treating

possessors and users more leniently than designers and builders. Under the California scheme, those engaging in possessory conduct face the prospect of imprisonment for up to 1 year, while manufacturers face up to 3 years of confinement.⁷

An Illinois statute that took effect in 2000, *False or secret compartment in a motor vehicle*, took a somewhat different approach. Section 12-612 of Chapter 625 of the Illinois Vehicle Code makes it unlawful for a person to “own or operate any motor vehicle he or she knows to contain a false or secret compartment” or to “install, create, build or fabricate a false or secret compartment.”⁸

As originally enacted, the statute specified that the intention of the person to use the false compartment to conceal its contents from a law enforcement officer could be inferred from a variety of factors, including the discovery of a person, firearm, controlled substance, or other contraband within the false compartment or from the discovery of evidence of the prior placement of those items within such compartment. However, in *People v. Carpenter*, 368 Ill. App. 3d 299 (2006), that portion of the statute was held to violate due process because it was overly broad and potentially punished innocent behavior.⁹

An amendment to the statute effective in 2010 addressed

the constitutional violation and criminalized two specific acts: 1) to own or operate with criminal intent any vehicle the perpetrator knows to contain a false or secret compartment that is used or has been used to conceal a firearm or controlled substances; and 2) to install, create, build, or fabricate in any vehicle a false or secret compartment, knowing that another person intends to use it to conceal a firearm or controlled substance.¹⁰ A violation of this statute results in the imposition of a consecutive sentence to the underlying controlled substance or firearms offense.¹¹

By contrast, the reach of a Georgia statute, *Vehicles containing false or secret compartments; owning or operating prohibited*, exceeds that of both the California and Illinois laws. Section 16-11-112(c)(1) of the Georgia Code Annotated, which carries a penalty of up to 2 years imprisonment, makes it unlawful for persons to “own or operate any vehicle containing a secret compartment, to knowingly install, create, build, or fabricate the same in any vehicle, and to knowingly sell, trade, or otherwise dispose of a vehicle containing a secret compartment.”¹²

The Georgia law, which took effect in 2006, employs a criminal intent inference similar to that used in the original, unconstitutional, Illinois statute.

The Georgia statute clearly sets out the factors to be considered, including the knowing possession of a false compartment that is concealing a person for an unlawful purpose, concealing a controlled substance or other contraband, or showing evidence of previous concealment of the same. However, in light of the Illinois ruling, it is unclear whether the statute will survive if it is challenged in court.

Finally, Section 76-10-2801 of the Utah Criminal Code titled, *Vehicle compartment for contraband – penalties*, makes it a class A misdemeanor for a person “to knowingly possess, use, or control a vehicle which has a compartment with the intent to store, conceal or transport contraband.” Like

California, Utah’s statute, which took effect in 2008, punishes manufacturers more severely, making it a third-degree felony for a person to facilitate the storage, concealment, or transportation of contraband by designing, constructing, building, altering, fabricating, installing, creating, or attaching a hidden compartment to or within a vehicle. As in the initial version of the Illinois statute and the current version of the Georgia statute, Utah also employs inference language for determining the existence of criminal intent.¹³

Goals

Law enforcement agencies should investigate individuals or organizations constructing hides for numerous reasons. First,



even if prosecution is unlikely, investigating hide installers can provide vital intelligence regarding drug trafficking organizations. Knowing which vehicles may contain hides affords law enforcement personnel the opportunity to focus their attention on individuals or organizations using those cars. This targeted approach allows for the better application of scarce police resources.

Second, investigating and prosecuting installers can contribute to the dismantling of drug trafficking organizations. Like money launderers, hide installers provide a vital service to drug traffickers. Not having the ability to securely conceal their wares may deter drug dealers from engaging in the enterprise. In addition, with a lack of adequate hides, law enforcement is more likely to discover contraband, thereby increasing the chance to make arrests.

Third, and most important, hides can be constructed to not only conceal drugs but also firearms, explosives, and even people. Therefore, investigating hidden compartment cases contributes to officers' safety by educating them as to the existence and location of hides. Being aware of hidden compartments, how they function, and what they contain allows officers to operate more safely during what they may consider

an otherwise routine traffic stop or other investigation.

Conclusion

Investigating and prosecuting hidden compartment cases can enhance officer safety, provide valuable intelligence, and lead to the seizure of evidence or illegal items. As such, police administrators should implement policy that incorporates these types of investigations into their agency's anticrime

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”**

and antidrug efforts. In addition, prosecutors should analyze extant laws and develop legal strategies that can be employed to investigate and charge such cases. A successful investigation can greatly inhibit those criminal elements who use hidden compartments to further their criminal activity. ♦

Endnotes

¹ *Clavo* is the Spanish word for nail.

² U.S. Department of Justice, Drug Enforcement Administration, Office of

Forensic Sciences, “Common Vehicle Concealment Methods Used in the United States,” *Microgram*, December 2003; available at <http://www.justice.gov/dea/programs/forensicsci/microgram/mg1203/mg1203.html> (accessed August 2, 2010).

³ U.S. Department of Justice, Federal Bureau of Investigation, CJIS Division, *The Off-Line Search*, available at <http://gcicweb.gbi.state.ga.us/cjis/ori/tacconf/TACConfRef/NCIC%20Offline%20Search-2005.pdf> (accessed August 2, 2010).

⁴ 21 U.S.C. § 863 (2010).

⁵ District of New Hampshire, 06-cr-218-JD (2007).

⁶ *Compartment* includes any box, container, space, enclosure, false or altered fuel tanks, or factory installed equipment that is modified or altered or any compartment added to or created from an existing space. The term *vehicle* is given the broadest possible meaning, including cars, trucks, buses, aircraft, boats, ships, yachts, and vessels. West's Ann. Cal. Health & Safety Code § 11366.8 (2009).

⁷ *Ibid.*

⁸ 625 I.L.C.S. § 5/12-612 (2010).

⁹ *People v. Carpenter*, 888 N.E.2d 105 (Ill. 2008).

¹⁰ 625 I.L.C.S. § 5/12-612 (2010).

Similar to the California statute, the term *vehicle* is given the broadest possible meaning, while the definition of *false compartment* is limited to an enclosure integrated into a vehicle that is a modification of the original design of the manufacturer.

¹¹ *Ibid.*

¹² Ga. Code Ann. § 16-11-112(c). (2010).

¹³ U.C.A. 1953 § 76-10-2801 (2010).

Law enforcement officers of other than federal jurisdiction who are interested in this article should consult their legal advisors. Some police procedures ruled permissible under federal constitutional law are of questionable legality under state law or are not permitted at all.

Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Officer McDonald



Lieutenant Wills

One morning, Officer Nathan McDonald of the Grand Prairie, Texas, Police Department was dispatched to a residential fire. The first to arrive at the scene, Officer McDonald saw that the fire already had fully engulfed the house and that flames were shooting through the roof. He soon was joined by Lieutenant Randy Wills, a certified peace officer and an arson investigator with the Grand Prairie Fire Department. The two officers learned that an elderly man was trapped inside. After rushing to the rear bedroom, they saw that he was physically unable to leave his bed. Immediately,

Officer McDonald and Lieutenant Wills broke the window, entered, and extracted the incapacitated man. Shortly thereafter, the ceiling collapsed, and the room was fully engulfed.



Officer Kelly

Officer Ben Kelly of the Seattle, Washington, Police Department was investigating an unoccupied stolen vehicle parked with its hood up and engine running. He looked in his side mirror and saw a man wearing a hooded sweatshirt that covered his head approaching the rear of the patrol car. Officer Kelly exited his vehicle and immediately recognized the man as the suspect wanted for ambushing and killing four Lakewood, Washington, Police Department officers just 3 days earlier. The man had both hands in his sweatshirt pockets and then began to pull out a pistol while approaching Officer Kelly. The suspect ignored repeated verbal commands to show his hands and continued to move in a threatening manner. Officer Kelly, recognizing the grave danger he was in, fired his service weapon and killed the

suspect, ending the confrontation. It was later determined that the individual's pistol belonged to one of the murdered officers.

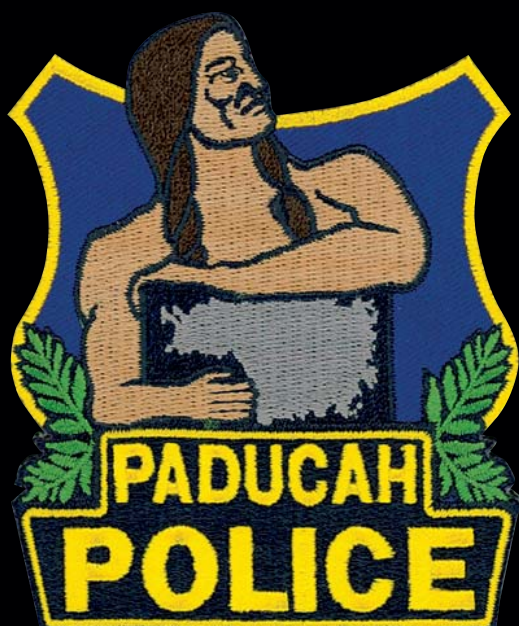
Nominations for the *Bulletin Notes* should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be mailed to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Quantico, VA 22135 or e-mailed to leb@fbiacademy.edu.

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Patch Call



The patch of the Paducah, Kentucky, Police Department depicts Chief Paduke of the Chickasaw Indians, who lived and hunted in the location of the city. Legend has it that he met with George Rogers Clark when the famous soldier visited the area.



The Berlin, Wisconsin, Police Department patch features the outline of the state with its beautiful hills and sunsets. The city calls itself the "Fur and Leather Capital" because it serves as the home to many such stores, as represented by the large buck.